

STATE OF INDIANA  
BEFORE THE ALCOHOL & TOBACCO COMMISSION

IN THE MATTER OF	)	
THE PERMIT OF:	)	
	)	
AMERICAN LEGION POST # 284.	)	PERMIT NO. RC71-85145
23571 GRANT ROAD	)	
SOUTH BEND, INDIANA 46619	)	

**ORDER REMANDING CASE TO LOCAL BOARD  
FOR REHEARING AND FURTHER INVESTIGATION**

I. Background of the Case

The Applicant, American Legion Post #284, 23571 Grant Road, South Bend, Indiana 46619 (“Applicant”), submitted its application for renewal of a Type 211-3 Permit (the “Permit”) on or about March 6, 2006. The Greene County Local Alcoholic Beverage Board (“Local Board”) conducted hearings on (i) April 26, 2006; and, (ii) May 24, 2006. Because Applicant failed to appear at either Local Board hearing, the Local Board voted 4-0 to recommend denial of the Permit.

The Alcohol and Tobacco Commission (“Commission”) upheld the recommendation of the Local Board on June 20, 2006. The Applicant timely appealed the Commission’s decision.

II. Findings and Conclusions Pertinent to Remand

From the review of the entire Commission file, certain facts pertinent to the disposition of the appeal were discovered as follows:

1. Applicant alleges, due to advanced age, a member of the Permittee formerly charged with handling Permit renewals is no longer able to assist with the process.

2. Due to the Permittee's change in circumstances, Permittee did not receive actual notice to appear before the Local Board.

3. The circumstances warrant remand for further proceedings in order to give the Applicant an opportunity to appear before the Local Board.

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that the application of the American Legion Post #284, 23571 Grant Road, South Bend, Indiana 46619, No. RC71-85145, is hereby remanded to the Local Board for rehearing and upon completion of its investigation and rehearing on this case, the Local Board is to make its recommendation to the Commission whether to approve or deny the application.

Dated: \_\_\_\_\_

\_\_\_\_\_  
U-JUNG CHOE  
Executive Secretary/Hearing Judge  
Alcohol & Tobacco Commission

## DISTRIBUTION

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